

REMARKS

Summary of Changes Made

The application was filed with 26 claims. In a first amendment, claims 27-52 were added and claims 1-26 were canceled. Presently, claims 27-52 are canceled, and new claims 53-65 are added. The new claims correspond to certain of claims 27-52 as noted in the table below. All new claims are verbatim versions of the indicated former claims, save three. New claim 53 corresponds to former claim 27, with process steps more clearly delineated. Claim 57 corresponds to former claims 27 and 28 written in fully independent form. Claim 61 is a slightly altered form of claim 29, which clarifies that the words are texture words. Accordingly, claims 53-65 (13 claims) remain pending in the application.

New Claim	Former Claim
53	27
54	33
55	34
56	35
57	27 + 28
58	37
59	42
60	47
61	29
62	36
63	38
64	43
65	48

Tables 1-6 in the specification are amended to appear as tables. It is evident from the PCT publication, WO2004/022008 that this information was presented in Table form.

Applicants do note that the word "texture" is added in several places in Table 5. The word "texture" should have been included in the English translation of the priority document, but was inadvertently left out. However, a review of the text preceding and following table 5 in the English specification as filed reveals that "texture" is appropriate in those instances. Minor grammar or usage changes have been made to some of the text of the tables. In Tables ___, portions of the tables are added, while in Tables ___, the entire Table is effectively deleted then replaced. It is believed that the meanings and teachings thereof are unchanged. No new matter is added by this amendment.

Claim Rejections – 35 U.S.C. 101

Claims 27-52 are rejected under 35 U.S.C. 101 as directed to non statutory subject matter. The Examiner admits that the claims recite a series of steps to be performed, the Examiner contends that the series of steps do not transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps.

The Examiner separately rejects claims 30-32, 39-41, 44-46 and 49-52 under section 101 because the claims are directed to non-statutory subject matter, to wit, a texture map, which the Examiner contends are nonfunctional descriptive material.

The Examiner will note that all claims, 27-52 have been canceled. New claims 53-65 are added, to capture the subject matter of the method claims as noted in the table above.

New claims 53-65 contain clear, definite transformational process steps as required by 35 U.S.C. 101. It is evident that the method of claim 53, for example, transforms a person without makeup applied to a person with makeup applied. All claims are thus drawn to statutory subject matter on that basis.

Applicants also point out the changes to claim 57 relative to the combined subject matter of former claims 27 and 28. Claim 57 now recites "(b) producing a texture image map by overlapping individual images on four image zones, said image zones being partitioned by the ordinate and the abscissa on the texture word map." The specification, in the paragraph bridging pages 6-7, Figure 3, as well as table 5 (pages 22-23) provide support for this claim limitation. In Figure 3, the four image zones are "fresh/active," "cute/pretty," "cool/sharp," and

“tender/feminine.” They are partitioned by the abscissa and ordinate, as in the four quadrants of an XY-plane.

Further, Table 5, as amended, indicates that three texture maps are put in order with words for every image zone to produce texture map tables. The specification at the bottom of page 6, indicates “[i]ndividual images composed of “cute/pretty,” “fresh/active,” “soft/feminine,” and “cool/sharp,” are overlapped on the texture word map to produce a texture image map and make the map usable as indexes showing the relations between the makeup and textures. [] Further, the three texture image maps are put in order with words for every image zone to produce texture map tables.” It is clear that an image zone is one quadrant of the XY plane created by the abscissa and ordinate on the texture word map.

Further, each of nine texture words has been ordered with three symbols in each of the four image zones according to the width of image region obtained from three texture maps (skin, eye, lip) to produce texture map tables. Further, Table 5, as amended, indicates that the balance of three textures (skin, eye, lip) is put in order with words. This balance rule can be utilized for selecting cosmetic products and image rendering, as noted on page 22 of the specification.

Claim 61 is changed slightly with respect to claim 29. It is clarified that the three texture images maps correspond to the texture words for each image zone.

Applicants respectfully request the withdrawal of the rejection under Section 101, and an indication that new claims 53-65 constitute statutory subject matter. Applicants reserve the right to prosecute the subject matter of the texture map claims in a continuation application.

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CONCLUSION

Based on the foregoing, the Applicants respectfully request entry of the instant amendment and a Notice of Allowability for claims 53-65. If there are any additional fees resulting from this communication, please charge the same to our Deposit Account No. 18-0160, our Order No. TAK-18149.

Respectfully submitted,

RANKIN, HILL & CLARK LLP



Kenneth A. Clark, Reg. No. 32,119
Christopher J. Korff, Reg. No. 55,342

925 Euclid Avenue, Suite 700
Cleveland, Ohio 44115-1405
(216) 566-9700
docketing@rankinhill.com